

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Petition of the Wisconsin Department of Transportation for a Determination of the Adequacy of Warning Devices at the Grade Crossing of the Wisconsin Central Ltd. Tracks with Foremost Drive in the Village of Rothschild, Marathon County

9164-RX-631

FINDINGS OF FACT AND ORDER

On December 23, 2005, the Wisconsin Department of Transportation (DOT) filed a petition with the Office of the Commissioner of Railroads (OCR) for a determination under §195.28, Stats., of the adequacy of warning devices at the grade crossing of the Wisconsin Central Ltd. (WCL) tracks with Foremost Drive in the Village of Rothschild, Marathon County (Crossing No. 392 800S / MP 84.15).

DOT plans to reconstruct the intersection of USH Business 51/Imperial Avenue in 2006. Foremost Drive is the intersection leg opposite of Imperial Avenue. The project is not 'altering' the crossing within the meaning of s. 195.29. DOT proposes to control traffic at the rail-highway crossing with crossbucks and stop signs during construction. During the project, the DOT proposes that the WCL install a temporary crossing because Foremost Drive is the only access to the properties located west of the crossing. DOT also proposes to use crossbucks and stop signs as warning devices at the temporary crossing.

No hearing was held.

Findings of Fact

THE COMMISSIONER FINDS:

The Wisconsin Department of Transportation plans to reconstruct the Business USH 51/Imperial Avenue intersection in the Village of Rothschild, Marathon County as part of a Hazard Elimination Safety project (HES). Foremost Drive is opposite the Imperial Avenue leg of the intersection and the will be reconstructed in the vicinity of the crossing. The proposed improvement will cross at grade with the Wisconsin Central Ltd's Valley subdivision. The improvement project is currently scheduled for a bid letting on May 9, 2006 for construction during the 2006 construction season.

The proposed reconstruction would continue to cross the track at an angle of approximately 89 degrees, with a very slight left hand forward skew. The crossing approach grades would be 0.48% ascending from the east and 1.04% ascending from the west. No railroad profile changes are proposed. The railroad has agreed to replace the existing crossing, which is in poor condition, as part of the project.

Foremost Drive is 27' wide in the vicinity of the crossing and intersects the railroad tracks at an angle of 90°. Foremost Drive carried an average daily traffic (ADT) of 150 according to 2000

DOT records at a legal speed limit of 25 mph. The crossing is located about 70' from the intersection of Foremost Drive and Business USH 51 (East Grand Avenue). That intersection is controlled by traffic signals. Business USH 51 is under the jurisdiction of the Wisconsin Department of Transportation (DOT).

The WCL operates 6 through train movements per day over the crossing at a timetable speed of 40 mph. The railroad also operates 2 switch movements each day. The crossing consists of one mainline track on the railroad's Valley Sub.

The clearing sight distance is adequate in all four quadrants. During construction the clear storage distance will be increased to approximately 87' due to lane closures for the reconstruction of the southbound Business USH 51 lanes. DOT proposes to remove the existing traffic signals during construction and operate the highway intersection as free flow for Business USH 51 and STOP signs for Imperial and Foremost. Only 'right in' and 'right out' moves will be allowed to and from Imperial and Foremost. DOT proposes to control traffic during construction at the grade crossing with STOP signs and crossbucks.

The existing warning devices consist of mast-mounted flashing light signals with 12" LED lamp units and constant warning time circuitry. Gates will be added to the existing warning devices as part of a DOT Railroad Crossing Safety Program project per the OCR's Order dated August 9, 2005 in Docket 9164-RX-414. However the installation date needs to be changed to August 12, 2006 to coincide with Stage 2 of the highway project when the new traffic signals are put into service.

Conclusion on the Issue

THE COMMISSIONER CONCLUDES:

That in order to adequately protect and promote public safety during the highway project, it is necessary to install and maintain reflective crossbucks and stop signs at the crossing of the tracks of the Wisconsin Central Ltd. with Foremost Drive in the Village of Rothschild, Marathon County.

Conclusion of Law

THE COMMISSIONER CONCLUDES:

That the jurisdiction of the Office of the Commissioner of Railroads under §195.28, Stats., extends to this matter. Accordingly, the Office enters an order consistent with the findings of fact.

Order

THE COMMISSIONER ORDERS:

1. That the **Wisconsin Central Ltd.** shall add and maintain gates to the existing signal equipment with other appropriate appurtenances in accordance with such plans as are filed with and approved by the Office of the Commissioner of Railroads at the crossing of its tracks with **Foremost Drive** at-grade in the Village of Rothschild, Marathon County by **August 12, 2006** (Crossing No. 392 800S / VY 84.15).

2 That the **Wisconsin Central Ltd.** shall install and maintain retroreflective back-to-back crossbucks with 2"-wide reflective vertical strips on the front and back of the support posts on each approach to the crossing and the temporary crossing of its tracks with **Foremost Drive** at-grade in the Village of Rothschild, Marathon County **in coordination with the highway project** (Crossing No. 392 800S / VY 84.15).

3. That the **Wisconsin Department of Transportation** shall install and maintain stop signs on the separate posts on each approach to the crossing and the temporary crossing of the Wisconsin Central Ltd. tracks with Foremost Drive at-grade in the Village of Rothschild, Marathon County **in coordination with the highway project** (Crossing No. 392 800S / VY 84.15).

4. That the **Wisconsin Central Ltd.** shall disconnect the existing signals and traffic signal preemption in coordination with the **Wisconsin Department of Transportation and the timing of the highway project.**

5. That the **Wisconsin Central Ltd.** shall bear no part of the cost of the crossing signals installation, except for any cost assessed to the railroad pursuant to §195.60, Stats., for the investigation of this matter by the Office. The railroad shall not pass on those assessment costs either directly or indirectly.

6. That if the petitioner, railroad or any interested party objects to this order and requests a hearing within 20 days of the date of this order in writing, the Office will hold a public hearing.

7. That jurisdiction is retained.

Dated at Madison, Wisconsin, (April 27, 2006).

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads